

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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ROSA LEE KLANESKI,

Plaintiff,

v.

MALCO ENTERPRISES OF NEVADA,  
INC., d/b/a BUDGET RENT A CAR  
AND SALES,

Defendant.

Case No. 2:21-cv-00651-ART-DJA

ORDER

*Pro se* plaintiff Rosa Lee Klandeski (“Klandeski”) filed this diversity action on April 19, 2021, alleging multiple claims stemming from an incident in 2013 wherein Klandeski rented a car from Malco but declined insurance from Malco, opting to use her American Express card for insurance purposes. Klandeski then had a car accident, and Malco ultimately sought recovery from Klandeski, rather than from American Express. (ECF No. 1.) Malco moved to dismiss on April 18, 2022, arguing that five months ago they attempted to contact Klandeski to arrange a joint proposed Discovery Plan and Scheduling Order, but Klandeski did not respond. (ECF No. 16.) The motion attaches an email that appears to be sent to Klandeski’s correct email address. (*Id.*) Klandeski filed an untimely response, on June 9, 2022, arguing that she has contacted the Court and Malco and received no responses. (ECF No. 18.)

The Court, cognizant of Klandeski’s *pro se* status, will, at this point, deny the motion to dismiss without prejudice to refile an updated motion to dismiss, and require that the parties meet and confer and submit a proposed Discovery Plan and Scheduling Order by September 30, 2022. Should the discovery plan so

1 request, the Court will refer the parties to the presiding Magistrate Judge for a  
2 scheduling conference. Both parties appear to have each other's correct contact  
3 information. Failure to comply with the terms of this Order will likely result in  
4 dismissal of this action.

5 It is therefore ordered that Malco's motion to dismiss (ECF No. 16) is denied  
6 without prejudice.

7 It is further ordered that the parties shall meet and confer and file a  
8 proposed Discovery Plan and Scheduling Order on or before September 30, 2022.

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10 DATED THIS 31st Day of August 2022.

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13 ANNE R. TRAUM  
14 UNITED STATES DISTRICT JUDGE  
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